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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

VIRGINIA PRICE,

Plaintiff

v.

NANCY A. BERRYHILL,

Defendant

Case No.: 2:18-cv-02201-APG-VCF

**Order Accepting Report and
Recommendation, Granting Motion to
Remand, and Denying Motion to Affirm**

[ECF Nos. 20, 21, 22]

On December 31, 2019, Magistrate Judge Ferenbach recommended that I grant plaintiff Virginia Price's motion to remand and deny defendant Andrew Saul's¹ motion to affirm. ECF No. 22. No party filed an objection. Thus, I am not obligated to conduct a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to "make a de novo determination of those portions of the report or specified proposed findings to which objection is made"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("the district judge must review the magistrate judge's findings and recommendations de novo *if objection is made*, but not otherwise" (emphasis in original)).

I THEREFORE ORDER that, under Federal Rule of Civil Procedure 25(d), the clerk of court is directed to substitute Andrew Saul for Nancy Berryhill as the respondent Commissioner of the Social Security Administration on the docket for this case.

I FURTHER ORDER that the report and recommendation (**ECF No. 22**) is **accepted**.

¹ After the parties briefed the motion, Andrew Saul was sworn in as Commissioner of the Social Security Administration. As permitted under Federal Rule of Civil Procedure 25(d), I direct the clerk of court to substitute Andrew Saul for Nancy Berryhill as the respondent Commissioner of the Social Security Administration on the docket for this case.

1 I FURTHER ORDER that plaintiff Virginia Price's motion to remand (**ECF No. 20**) is
2 **GRANTED** and defendant Andrew Saul's motion to affirm (**ECF No. 21**) is **DENIED**. This
3 action is **REMANDED** to the administrative law judge for further proceedings. The clerk of
4 court is instructed to close this case.

5 DATED this 16th day of January, 2020.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE